

APPENDIX II

THE OFFICE OF JUSTICE PROGRAMS' RESPONSE TO THE DRAFT
REPORT

U.S. Department of Justice

Office of Justice Programs

Washington, D.C. 20531

September 16, 2013

MEMORANDUM TO: Michael E. Horowitz
Inspector General
United States Department of Justice

THROUGH: Raymond J. Beaudet
Assistant Inspector General for Audit
Office of the Inspector General
United States Department of Justice

FROM: Karol V. Mason *KVM*
Assistant Attorney General

SUBJECT: Response to the Office of the Inspector General's Draft Audit
Report, *Interim Report on the Department's Use and Support
of Unmanned Aircraft Systems*

This memorandum provides a response to the Office of the Inspector General's (OIG's) September 6, 2013 draft audit report, entitled *Interim Report on the Department's Use and Support of Unmanned Aircraft Systems*. The Office of Justice Programs (OJP) appreciates the opportunity to review and comment on the draft report.

The draft audit report contains eight recommendations, of which Recommendation Numbers 3 and 5-8 pertain to OJP. For ease of review, these recommendations are restated in bold and are followed by OJP's response.

3. **We recommend that OJP assess and enhance its ability to track UAS-related awards to ensure that it can readily identify how DOJ award funds have been used to support UAS technology.**

Attachments

cc: Anna Martinez
Senior Advisor to the Associate Attorney General
Office of the Associate Attorney General

Mary Lou Leary
Principal Deputy Assistant Attorney General

James H. Burch, II
Deputy Assistant Attorney General
for Operations and Management

Denise O'Donnell
Director
Bureau of Justice Assistance

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circumstances exist, making these items essential to the maintenance of public safety and good order. BJA will require the grantee to demonstrate their ability to meet all relevant prerequisites within this justification. The FY 2013 State JAG program solicitation can be found at <https://www.bja.gov/Funding/13JAGStateSol.pdf>, see page 5; and the FY 2013 Local JAG solicitation can be found at <https://www.bja.gov/Funding/13JAGLocalSol.pdf>, see page 5. Additionally, in May 2013, BJA updated its "Frequently Asked Questions," which are posted on its website at <https://www.bja.gov/Funding/JAGFAQ.pdf>, with information on the Unmanned Aircraft, Aircraft Systems, or Aerial Vehicles requirement for the JAG program.

If any future JAG award funds are budgeted for UAS-related projects, an additional special condition, to verify the prerequisites necessary to become authorized to operate the UAS, will be added to the award. Additionally, as part of its programmatic monitoring, BJA grant managers will review these requirements and ensure grantee compliance. The Office of Justice Programs requests closure of this recommendation and requests written acceptance of this action from your office.

7. **We recommend that OJP and COPS update the December 2012 award coordination memorandum to ensure that NIJ is included as a participant in UAS award coordination efforts.**

The Office of Justice Programs agrees with the recommendation. OJP will work with the Department of Justice (DOJ, Department), Office of Community Oriented Policing Services (COPS Office), to update the December 2012 Memorandum of Understanding between the COPS Office and BJA to include NIJ in collaboration and information-sharing efforts related to UAS awards. The Office of Justice Programs considers this recommendation resolved and requests written acceptance of this action from your office.

8. **We recommend that OJP and COPS notify the FBI, ATF, DEA, and USMS of future UAS awards and work with these components to identify and share relevant data derived from UAS funded with DOJ awards.**

The Office of Justice Programs agrees with the recommendation. OJP believes that the appropriate forum to coordinate and share information on relevant Department level UAS-related activities is the DOJ UAS Working Group, currently comprised of representatives from NIJ and the DOJ law enforcement components. NIJ members, in this capacity, represent all OJP bureaus and program offices, and as appropriate, will bring relevant OJP information to the attention of the working group. This group will determine the most effective mechanism(s) to share and disseminate information to the DOJ law enforcement components. The Office of Justice Programs requests closure of this recommendation and requests written acceptance of this action from your office.

Thank you for your continued support and assistance. If you have any questions regarding this response, please contact Maureen A. Henneberg, Director, Office of Audit, Assessment, and Management, on (202) 616-3282.

The Office of Justice Programs agrees with the recommendation. In March 2013, OJP added three unique project identifiers to its Grants Management System (GMS) to enhance its ability to track Unmanned Aircraft Systems (UAS)-related awards (see Attachment 1). The new project identifiers include unmanned aerial vehicle, unmanned aircraft, and unmanned aircraft system. This will allow OJP bureaus and program offices to select the identifiers by grant, as appropriate, during the award process. Individual grant files will include the descriptor(s), which permits the grant to be readily identified using key word searches. Key word searches of GMS also examine text in the solicitation title, project title, and project description sections. In addition to using the project identifier feature and conducting key word searches of GMS data, the Bureau of Justice Assistance (BJA) can access UAS-related awards through its Performance Measurement Tool (PMT). The Office of Justice Programs requests closure of this recommendation and requests written acceptance of this action from your office.

5. **We recommend that OJP and COPS establish enhanced reporting requirements and use reported information to measure the effectiveness of their UAS awards.**

The Office of Justice Programs agrees with the recommendation. OJP currently requires a programmatic progress report that outlines project activities throughout the project period for all grants and cooperative agreements. Additionally, beginning with the fiscal year (FY) 2013 cycle, all grants awarded under the Edward Byrne Memorial Justice Assistance Grant (JAG) Programs (State and Local), will include the special condition noted below (see Attachment 2).

Unmanned Aircraft, Aircraft Systems, or Aerial Vehicles (UA/UAS/UAV)

“No JAG funds may be expended on unmanned aircraft, unmanned aircraft systems, or aerial vehicles (US, UAS, or UAV) unless the BJA Director certifies that extraordinary and exigent circumstances exist, making them essential to the maintenance of public safety and good order. Additionally, any JAG funding approved for this purpose would be subject to additional reporting, which would be stipulated by BJA post-award.”

None of the FY 2013 JAG applications processed by BJA requested funds for UAS-related purposes (see Attachment 3). However, BJA will review the existing JAG performance measures to determine if additional questions, related to UAS technology, can be added in the PMT to collect data on the effectiveness of such purchases awarded under future grants.

Further, OJP's National Institute of Justice (NIJ) already establishes performance and evaluation criteria as part of its UAS-related awards, with the results of that research being disseminated to the criminal justice community. The Office of Justice Programs considers this recommendation resolved and requests written acceptance of this action from your office.

6. **We recommend that OJP and COPS require that grant applicants demonstrate that they can meet the prerequisites necessary to become authorized to operate a UAS.**

The Office of Justice Programs agrees with the recommendation. BJA included language in its FY 2013 JAG solicitations notifying applicants that no JAG funds may be expended on UAS-related technology unless the BJA Director certifies that extraordinary and exigent